

# Equal Employment Opportunity Complaint Process

## Policy:

It is the policy of the Department of Army (DA) and the Department of Defense (DOD) to provide equal employment opportunity for all of its employees and applicants for employment in every aspect of their employment and working conditions.

Important aspects of an effective equal employment opportunity program are a vigorous affirmative action program and a discrimination processing system which facilitates the early informal resolution of complaints raised. This table provides

specific information on how the administrative EEO process works.

Complaints of discrimination may be filed by any DA or DOD employee or applicant for a DA or DOD job who believes he/she has been discriminated against on the basis of:

- race
- color
- religion
- national origin
- sex (includes sexual harassment)
- age (40 and up)
- disability (physical & mental)
- reprisal

## 1

### Precomplaint Process:

**Filing:** Complainant (employee or applicant) must contact an EEO Counselor **within 45 calendar days** of an alleged discriminatory action. (Names of EEO Counselors may be obtained from bulletin boards in DA or DOD buildings, the local EEO office or by assessing the counselor page on this website.)

## 2

### Counseling:

The EEO Counselor will try to resolve the matter informally within 30 calendar days from the date of the initial interview with complainant. Counseling may be extended up to 60 additional days, upon agreement of complainant and EEO office, or if an established Alternative Dispute Resolution (ADR) procedure is utilized.

## 3

### Formal Complaint Process

**Filing:** Complainant may file a written formal complaint with the EEO office, servicing EEO office or Agency Head, within 15 calendar days *after* the final interview with the EEO counselor.

## 4

### Acceptance/Dismissal

If the complaint is accepted by the EEO officer, an investigator will be assigned to collect all relevant information pertaining to the complaint. If portions of the complaint are dismissed, the complainant will be provided, in writing, the reason(s) for dismissal and informed of his/her right to appeal the decision.

## 5

### Investigation:

The OCI (Office of Complaints Investigation) is required to complete the investigation within 180 days from the filing of the formal complaint, with a possible extension of 90 additional days, upon mutual agreement. After the investigation, complainant may request a Final Agency Decision *or* a hearing by EEOC. (Complainant may also request a hearing after 180 days has elapsed from the filing of the complaint, if the investigation has not been completed.)

## 6

### Agency Final Decision:

If complainant requests a Final Agency Decision, the DA Equal Employment Opportunity Compliance and Complaints Review Agency (EEOCCR) or the applicable DOD Agency head will issue the Department's decision on the complaint. The decision, based on information in the investigative file, is issued within 60 days.

## 7

### EEOC Hearing:

If complainant requests a hearing by EEOC, an EEOC Administrative Judge (AJ) conducts a hearing and submits his/her findings and conclusions, within 180 days of the request. If the agency does not issue a final order within 40 days of receipt of the AJ's decision, the AJ's decision shall become the final action of the agency.

## 8

### Appeals:

Complainant, if dissatisfied with the Agency's Final Decision, may appeal to EEOC's Office of Federal Operations (OFO) *or* file a civil action in a U.S. District Court.

## 9

### Right to file a civil action:

Complainant, if dissatisfied with OFO's decision, may request reopening and reconsideration by EEOC or may file a civil action in a U.S. District Court. Complainants who raise a claim under the *Age Discrimination in Employment Act* may bypass the administrative process by filing a notice of intent to sue with EEOC at least 30 days before filing a civil action in court.

## 10

### EEO Process vs Union Process:

Employees covered by bargaining agreements may use the union grievance procedures or the EEO complaint process but not both.

## 11

### Class Complaints:

The EEO office will provide counseling in "class" complaints. The EEO officer will designate a counselor for "class" complaints as in the informal process. Formal Class Complaints will be processed by the agency's headquarters EEO office.

### Additional Information:

Additional information pertaining to the EEO complaint process may be obtained from the EEO Office, 6282 Barkeley Ave, STE 2, Bldg 1659, Fort Carson, CO 80913-4227, telephone 719 526 4413.

